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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

DANIEL PEDLEY et al.,

Plaintiffs and Appellants,

v.

SAN MARIN ASSOCIATION et al.,

Defendants and Respondents.

G036352

(Super. Ct. No. 05CC08500)

ORDER MODIFYING OPINION  
AND DENIAL OF PETITION FOR  
REHEARING; NO CHANGE IN  
JUDGMENT

It is ordered that the opinion filed herein on August 26, 2006, be modified as follows:

At the end of the last paragraph on page 8, add as footnote 9 the following footnote:

<sup>9</sup>We decide this case under governing law. The Legislature has since enacted a new Civil Code section requiring CC & R's to be amended by secret ballot, according to specified procedures. (§ 1363.03, subd. (b).) The new section supersedes any conflicting amendment procedures set forth in CC & R's or by-laws. (*Ibid.*)

The modification does not effect a change in the judgment.

The petition for rehearing is DENIED.

IKOLA, J.

WE CONCUR:

O'LEARY, ACTING P. J.

MOORE, J.